

#18  
P. 02  
RECEIVED

JAN 13 2004

PTO OFFICE OF PETITIONS

Approved for use through 07/31/2006. OMB 0657-8034  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b> 1187.07
First Named Inventor: Juan F. Montoya	Art Unit	
Application Number: 95/954,970	Examiner:	
Filed: September 19, 2001		
Title: Dual Pizza Pie Container System.		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items:		
(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
<b>1. Petition fee</b> <input checked="" type="checkbox"/> Small entity - fee \$ <u>55.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
<b>2. Reply and/or fee</b> A. The reply and/or fee to the above-noted Office action in the form of <u>Reply to Notice to File Missing</u> (Identify the type of reply): <u>Parts.</u> <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

RECEIVED  
CENTRAL FAX CENTER

JAN 13 2004

OFFICIAL

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09954970

0257

0257

JAN 13 2004

## OFFICE OF PETITIONS

PTO/SB/61 (11-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. 7. 04  
Date

Melvin K. Silverman  
Signature

(954) 351-7474  
Telephone Number

Melvin K. Silverman  
Typed or printed name

26,234  
Registration Number, if applicable

Suite 500  
500 West Cypress Creek Rd.  
Address

Fort Lauderdale, FL 33309

Address

- Enclosure ☐ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

1. 7. 04  
Date

Melvin K. Silverman  
Signature

Melvin K. Silverman  
Typed or printed name of person signing certificate

[Page 2 of 3]

RECEIVED  
CENTRAL FAX CENTER  
JAN 13 2004  
OFFICIAL

PTO/SB/61 (11-03)

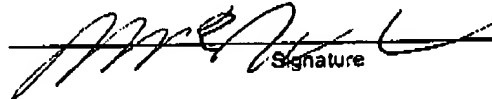
Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

**RECEIVED****JAN 13 2004****OFFICE OF PETITIONS**1. 7. 04  
Date  
Signature26,234  
Registration Number, if applicableMelvin K. Silverman  
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

As may be noted from the attached, the Abstract page has been in this file for many years. Had the PTO responded to Applicant's Reply to Notice to File of Missing Parts, in which the requisite filing fee and surcharges were enclosed, the Applicant would certainly have further responded by immediately forwarding the Abstract in question. Accordingly, most of the period of delay in the submission of the Abstract in question was the result of the non-response of the PTO to Applicant's Reply to Notice to File of Missing Parts. As such, the present petition should be viewed as one for the revival of an application which was abandoned unavoidably.

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/954,970	09/19/2001	Juan F. Montoya	1187.07

CONFIRMATION NO. 7715

## FORMALITIES LETTER



\*000000006937697\*

MELVIN K. SILVERMAN  
4901 NORTH FEDERAL HIGHWAY, #440  
FORT LAUDERDALE, FL 33308

Date Mailed: 10/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Application No. 09/954,970  
Dated December 30, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/954,970	Confirmation No. 7715
Applicant	:	Montoya	
Filed	:	September 19, 2001	
TC/A.U.	:		
Docket No.	:	1187.07	
Customer No.	:	27353	
For	:	Dual Pizza Pie Container System.	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AUTHORIZATION TO CHARGE

Sir:

The Commissioner is hereby authorized to charge the Petition fee under 37 CFR 1.17(m) in the amount of 55.00 to Deposit Account No. 502,557 and any additional fee required or credit for any excess fee paid.

1. 9. 8 41  
Date of Signature

BY: Melvin K. Silverman  
Melvin K. Silverman  
Reg. No. 26,234  
Telephone (954) 351-7474

Certificate of Transmission

I hereby certify that, on the date shown below, this correspondence is being facsimile transmitted to the Commissioner of Patents, at Fax No. (703) 872-9306

Marcia Scruggs  
Typed or printed name of person signing this certificate  
Signature Marcia Scruggs

Date 1/9/04